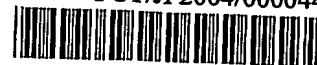


541,619
Translation

PATENT COOPERATION TREATY

PCT/JP2004/000044



PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 664285	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/JP2004/000044	International filing date (day/month/year) 07 January 2004 (07.01.2004)	Priority date (day/month/year) 07 January 2003 (07.01.2003)
International Patent Classification (IPC) or national classification and IPC B29C 39/02, 39/24, C08J 9/30 // B29K 105:04		
Applicant SUNSTAR GIKEN KABUSHIKI KAISHA		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☒ (sent to the applicant and to the International Bureau) a total of 2 sheets, as follows:

☒ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- ☒ Box No. I Basis of the report
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

Date of submission of the demand 14 July 2004 (14.07.2004)	Date of completion of this report 10 May 2005 (10.05.2005)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/000044

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☐ The international application as originally filed/furnished
- ☒ the description:
- pages _____ 1-17 _____, as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- pages _____ 2-4,6 _____, as originally filed/furnished
- pages* _____ 1,5 _____, as amended (together with any statement) under Article 19
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the drawings:
- pages _____ 1-4 _____, as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP04/000044

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	2, 3	YES
	Claims	1, 4-6	NO
Inventive step (IS)	Claims		YES
	Claims	1-6	NO
Industrial applicability (IA)	Claims	1-6	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

Document 1: JP, 2002-160577, A (Koito Manufacturing Co., Ltd.), 4 June, 2002 (04.06.02), paragraph [0026], Fig. 7

Document 2: EP, 974391, A1 (Sunstar Engineering Inc.), 26 January, 2000 (26.01.00), the claims, column 1, lines 5-14, Fig. 1

Document 3: EP, 757067, A1 (Sunstar Engineering Inc.), 5 February, 1997 (05.02.97), Abstract, claims

Document 4: JP, 2-251592, A (Honda Motor Co., Ltd.), 9 October, 1990 (09.10.90), the claims, page 2, lower right column, line 6 to page 3, upper left column, line 12

Document 5: JP, 62-102859, A (Aisin Chemical Co., Ltd.), 13 May, 1987 (13.05.87), the claims, page 2, lower left column, lines 5-19

Document 6: US, 5188963, A (Aisin Chemical Co., Ltd.), 23 February, 1993 (23.02.93), the claims

Document 7: JP, 5-309329, A (Sunstar Engineering Inc.), 22 November, 1993 (22.11.93), the claims, paragraph [0006]

Document 8: JP, 4-226321, A (Nippon Zeon Co., Ltd.), 17 August, 1992 (17.08.92), the claims, paragraphs [0014] and [0015] (Family: none)

The subject matters of claims 1 and 4-6 do not appear to be novel or to involve an inventive step in view of the invention described in document 1. Document 1 describes that "penguin foam", which is a material used in the examples of the present application, is used as a paste material, that a low-pressure gas is mixed and dispersed into the said paste material by a mechanical means to produce a foaming material, and that the said foaming material is discharged to foam.

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claims 1-6 are not adequately supported by the specification.

Claim 1 describes that a one-pack hardening paste material of an apparent viscosity of 50-30000 poises in a low shear rate zones and also of 20-2000 poises in a high shear rate zones are used as a paste material.

On the other hand, the specification discloses examples with polyurethane or silicon resins as a paste material, but does not include any example with other resin materials, and it would have been impossible to practically make the apparent viscosities of every resin in the said two shear rate zones within the above-mentioned respective ranges, even in view of the technical common knowledge prevailing at the time of filing of the present application. Accordingly, it is not considered that the entire scope of the above-mentioned claims can be practiced.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.
Continuation of: V

The subject matters of claims 1 and 4 do not appear to involve an inventive step in view of the inventions described in documents 2-8. Document 2 describes a method for manufacturing a sealing material wherein a low-pressure gas is mixed and dispersed into a paste material by a mechanical means, and the obtained material is discharged to foam. Document 3 describes a material for a sealing material similar to those in the examples of the present application. In addition, as described in documents 4-8, it is a well-known technology in the technical field concerned to consider the viscosities in low and high shear rate zone of a material for a sealing material when selecting such material. It is considered to be obvious for a person skilled in the art to consider the technical matters described in documents 3-8 when selecting such materials as described in document 2.

The subject matters of claims 2 and 3 do not appear to involve an inventive step in view of the inventions described in documents 1-8. Document 2 describes the methods and apparatuses specified in claims 2 and 3.

The subject matters of claims 5 and 6 do not appear to be novel or to involve an inventive step in view of the invention described in document 3. Document 3 describes a material for a sealing material similar to those in the examples of the present application, and the former is not considered to be different in any way from the latter as an invention of one-pack hardening material.